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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,866	03/12/2001	Takashi Ito	S004-4245	9178

7590

08/24/2004

ADAMS & WILKS  
31st Floor  
50 Broadway  
New York, NY 10004

EXAMINER

HO, THOMAS M

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/803,866

Applicant(s)

ITO ET AL.

Examiner

Thomas M Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 3/12/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1-8 are pending.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Pinnow, US patent 5,537,102.

In reference to claim 1:

Pinnow discloses an information processor comprising:

- A living body information input circuit to input living-body information representing a unique feature of a person whose identification is to be authenticated, where the unique feature of a person whose identification is to be authenticated is the user's PIN number(Column 8, lines 25-55), the persons's daily movements. (Column 7, line 55 - Column 8, line 25)
- A collation circuit to collate living-body information input by the living-body information input circuit with living-body information registered in advance, where the PIN number is understood to be registered in advance, and where this information is collated against the correct PIN number. (Column 8, lines 25-55)

In reference to claim 2:

Pinnow discloses an information processor according to claim 1, further comprising:

- A collation date information storage circuit to store information on a date at which collation is performed by the collation circuit, where the storage circuit is also capable of storing the date of the information through the clock. (Column 7, lines 40-67)
- Wherein the transmission circuit transmits to the external unit the latest item in the date information stored in the collation date information storage circuit together with the authentication data, where the latest information is always being transmitted because a continuous record is being established with the latest information being sent at each time interval. (Column 7, lines 40-67)

In reference to claim 3:

Pinnow (Column 5, lines 5-10) & (Figure 3) discloses an information processor according to claim 1, wherein the information processor is of a type capable of being worn around a wrist.

In reference to claim 4:

Pinnow (Column 5, lines 5-10) & (Figure 3) discloses an information processor according to claim 2, wherein the information processor is of a type capable of being worn around a wrist.

In reference to claim 5:

Pinnow discloses a personal authentication method comprising:

- A living body information input step of inputting living-body information representing a unique feature of a person whose identification is to be authenticated, where the unique feature of a person whose identification is to be authenticated is the user's PIN number(Column 8, lines 25-55), the persons's daily movements. (Column 7, line 55 - Column 8, line 25)
- A collation step of collating living-body information input in the living body information input step with living-body information registered in advance, where the PIN number is understood to be registered in advance, and where this information is collated against the correct PIN number. (Column 8, lines 25-55)
- A transmitting step of transmitting authentication data on the basis of a result of collation in the collation step, where a portion of the authentication data is transmitted during a regular time interval (Column 7, lines 48-67)
- A receiving step of receiving the authentication data transmitted in the transmitting step, where the log of the persons movements is received as well as the authentication PIN. (Column 7, lines 48-67) & (Column 8, lines 25-55)
- An authentication step of performing authentication of the person whose identification is to be authenticated on the basis of the authentication data received in the receiving step, where the person is authenticated based on the PIN received, and based on the continuous transmission of the persons movements at

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every time interval. Should this information cease being transmitted, the authentication will not complete. (Column 8, lines 25-55)

In reference to claim 6:

Pinnow discloses a personal authentication method comprising:

- A living-body information input step of inputting living-body information representing a unique feature of a person whose identification is to be authenticated, where the unique feature of a person whose identification is to be authenticated is the user's PIN number (Column 8, lines 25-55), the persons' daily movements. (Column 7, line 55 - Column 8, line 25)
- A collation step of collating living-body information input in the living-body information step with living body information registered in advance, where the PIN number is understood to be registered in advance, and where this information is collated against the correct PIN number. (Column 8, lines 25-55)
- A date obtaining step of obtaining information on the date of collation in the collation step, where the storage circuit is also capable of storing the date of the information through the clock, and may obtain the date for the complete history of a persons movements. (Column 7, lines 40-67)
- A transmitting step of transmitting authentication data and date information obtained in the date obtaining step on the basis of a result of collation in the collation step, where a portion of the authentication data is transmitted during a regular time interval (Column 7, lines 48-67)

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- A receiving step of receiving the authentication data and the date information transmitted in the transmitting step, where the log of the persons movements is received as well as the authentication PIN. (Column 7, lines 48-67) & (Column 8, lines 25-55)
- An authentication step of performing authentication of the person whose identification is to be authenticated of the basis of the authentication data received in the receiving step only when the date information received in the receiving step is the latest information, where the person is authenticated based on the PIN received, and based on the continuous transmission of the persons movements at every time interval. Should this information cease being transmitted, the authentication will not complete. (Column 8, lines 25-55)

Claim 7 is rejected for the same reasons as claim 5.

Claim 8 is rejected for the same reasons as claim 6.

### ***Conclusion***

3. The following art not relied upon is made of record.
  - Matchett et al. US Patent 5,229,764. discloses a continuous biometric authentication device.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M Ho whose telephone number is (703)305-8029. The examiner can normally be reached on M-F from 8:30am – 5:00pm.

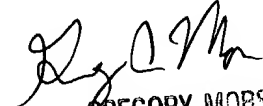
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A. Morse can be reached at (703)308-4789. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-5484.

TMH

August 9<sup>th</sup>, 2004

  
GREGORY MORSE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 410